



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
May 21, 2014

Present: Commissioner Schofield, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Martinsen, Councilman Nisson, Drew Ellerman, Lester Dalton, Kathy Spring, Clay Tolbert, Greg Whitehead, Frank Levch, Sherrie Redder, Katherine Staheli, Sheila Dewitt, RC Dewitt, Steve Woolsey, Lynn Cuseyc, Doug Dennett, Sydni Dennett, Legend Dennett.

Invocation: Commissioner Shepherd

Pledge of Allegiance: Commissioner Williams

Commissioner Schofield excuses Commissioner Smith and Attorney Jeff Starkey.

1. APPROVAL OF AGENDA

A. Approval of the agenda for May 21, 2014.

Commissioner Shepherd motioned to approve the agenda for May 21, 2014.

Commissioner Williams seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from May 7, 2014.

Commissioner Papa motioned to approve the minutes from May 7, 2014.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. PRELIMINARY PLAT

A. Public Hearing for consideration and recommendation to City Council for the Rusted Hills Phase 6 Preliminary Plat located at approximately 1000 East south of Majestic Drive. Applicant: Ray Dewitt

Background

The applicant is requesting approval of a preliminary plat for the Rusted Hills, Phase 6 subdivision, located at approximately 1000 East and the south side of Majestic Drive. The applicant is wishing to develop 25 lots on an area covering 11.83 acres. The location of this particular project is zoned Single-Family Residential - 15,000 square foot min. (R-1-15).

This phase (#6) was not part of the original project (Rusted Hills), but after working with the developers, the owner has decided to join his 11.83 acres into the subdivision development. The hope was always that this parcel would join in and complete the developed area at this location.

The requested preliminary plat meets the zoning regulation requirements and the other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Rusted Hills, Phase 6 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning Regulations and the Subdivision Ordinance as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. A Post Construction Maintenance Agreement needs to be recorded prior to the Final Plat recordation

Commissioner Schofield opened the public hearing.

No response.

Commissioner Papa motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Paper seconded the motion.

Motion passed unanimously.

- B. Public Hearing for consideration and recommendation to City Council for the White Sage Industrial Park Preliminary Plat located at approximately 1350 South 1400 East. Applicant: Dennett Construction, Doug Dennett

Background

The applicant is requesting approval of a preliminary plat for the White Sage Industrial Park subdivision, located at approximately 1350 South 1400 East. The applicant is wishing to develop 37 lots on an area covering 20.68 acres. The location of this particular project is zoned Heavy Industrial (I-2).

The request meets the zoning regulation requirements and mostly all the other city ordinances as it relates to this location. Staff has reviewed the request and recommends that the proposed subdivision be denied due to the lack of proper access to and from the proposed development.

More specifically, the Access Management Plan as adopted by the City requires two accesses into and out of subdivisions. Public Works Department is asking that a second access be added in the area of "Lot #7" down into Washington Dam Road. If any blockage (i.e. an accident or major maintenance) of the main entrance (at the east end of the development) were to occur, no emergency response (if needed) would be able to access the subdivision. Thus, the request for a second access point for the subdivision.

The developer has concerns regarding the requirement due to topography and cost of obtaining the access in question. Both the developer and a representative from Public Works will relate their views on this situation. But it is for that reason, that staff has recommended denial to the proposed project. The applicant has been told it is his/her opportunity to explain why this recommendation could or should be overturned (i.e. difficulty in topography, location and cost).

Recommendation

Staff recommends that the Planning Commission recommend denial of the Preliminary plat for the White Sage Industrial Park subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning Regulations and the Subdivision Ordinance as conditioned.
3. Unfortunately, the preliminary plat does not meet the access management plan, requiring two accesses to and from the proposed subdivision.

If the access situation can be mitigated, the following conditions would need to be applied:

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. The parcel noted as "future development" would need to be added into lot #9 of the subdivision due to future access problems. No access onto Washington Dam Road would be allowed.
12. A Post Construction Maintenance Agreement needs to be recorded prior to the Final Plat recordation.

Commissioner Shepherd asked what is the width of the entrance road.

Lester Dalton stated 55-feet at the entrance then about 30 feet in it turns to a 50-foot road.

Commissioner Schofield asked Mr. Dalton if his concern is emergency access.

Mr. Dalton stated not only emergency vehicle it is any vehicle. This was approved prior as storage units, now it is proposed as industrial uses. He stated that is more intense than storage units. He stated up the road from this, is a regional 60-inch pipeline that collapsed and was closed down for about 45 days. Losing access to a business for 45 days is a lot of time.

Commissioner Williams asked what the standard road is for the zoning in this area. This looks to be a 50-foot road.

Mr. Dalton stated the standard for industrial is a 66-foot road but the uses in this area aren't that heavy.

Mr. Ellerman stated the zone is heavy industrial.

Mr. Dalton stated there are some grade issues in this area about 16% grade but there are some solutions to deal with the grade. To the north of this proposal is BLM property and BLM has designated it as ACEC and the chances of access through that property are slim to none. He stated there needs to be a second access but he thinks they would have to get an agreement from adjacent property owners perhaps with Red Salisbury through his property.

Commissioner Schofield asked about the east side.

Mr. Dalton stated he would like a second access but it doesn't matter where except it needs to meet standards.

Commissioner Williams asked if the Iverson's own the north adjacent property?

Mr. Dalton stated he doesn't know for sure but this may have been one parcel owned by the Iverson's.

Commissioner Schofield asked if Mr. Dalton would have a problem with storage units.

Mr. Dalton stated no because it doesn't affect traffic as much, people can do or get by without getting into a storage unit for a while. He stated businesses and residential would require the second access.

Doug Dennett stated there is a grade and is difficult to put an access in that area. The adjacent property owner didn't want to do anything with his property because he wants to build a home. He stated the fire marshal wanted an 8% grade nothing more and stated this is unacceptable terrain. He stated the city is asking for a road to go through the hay barn.

Commissioner Schofield stated a 66-foot road is required.

Mr. Dennett stated they were going to develop it before with access that loops in the middle but was told they needed to do it at an intersection so they did and there were two accesses. He stated he doesn't have a problem with putting the road in. He said they stubbed water and sewer but then the economy failed. He stated staff said they didn't want the design that looped around with the first design and now they don't want a design with a cull de sac. He said that Red Salisbury wants the road to go through. He stated looking at the terrain it is too steep, and industrial trucks would have a difficult time; he doesn't mind putting in the road.

Steve Woolsey from Provalue Engineering stated they have designed this to deal with the grade the best they can.

Mr. Dennett stated Mr. Salisbury wants the road to continue. The road that came into this on the original design looped around and came out on the same road but now they want two accesses.

Commissioner Schofield stated he agrees with Lester because there is a pipeline in that area.

Mr. Woolsey asked if the city would be okay with an easement.

Mr. Dalton stated he is okay with an emergency easement with all weather surfaces. His concern is the intersection being closed for some reason there needs to be another access.

Commissioner Schofield stated people build on easements all the time.

Commissioner Papa asked what property the Salisbury owns. He asked what the agreement would have to be with him in relationship to this project.

Commissioner Schofield stated he would recommend this to be tabled so Mr. Dennett can address the issue and meet the standards with public works.

Mr. Dennett stated the land in front is not accessible because it is too steep. He stated he would like to just take the lot off.

Mr. Ellerman stated the problem with doing that is access couldn't be off of Washington Dam Road. It has to be a part of this subdivision. By leaving it off it is a lot on its own and a Judge would rule that they have to give an access. Lot 9 needs to be the largest lot with the combined acreage of lot 9 and lot 36.

Mr. Woolsey stated the only way to take it out is to sell it to the City.

Mr. Dennett stated Dennis is talking to his son and stated he would work with him later so he doesn't want to cause problems with him now.

Commissioner Schofield asked what Mr. Dennett could do to take care of this because it is an unusable piece of property.

Mr. Dennett stated if Dennis sells the property to him he could use the property off of Sandhill. He wants to know what the city wants him to do to work this out if tabled. He stated he is willing to put in the whole road. He has owned the property for 10 years and has been trying to develop this the last 6 years.

Mr. Ellerman stated the soonest it could be back to Planning Commission is in two weeks if tabled.

Commissioner Schofield stated two weeks is too soon. He would recommend 30 days. He stated an agreement needs to be done before they come to them again.

Mr. Dennett stated the Fire Marshal stated there is a code called inaccessible terrain.

Mr. Ellerman stated that is a fire code.

Commissioner Schofield asked Mr. Dalton if the road is a dedicated road to a certain point.

Mr. Dalton stated yes.

Mr. Dennett asked why he would have to build that road out if it isn't going anywhere.

Commissioner Schofield stated because it is being required. He stated as a commission he has to look at the future. He stated staff very seldom recommends denial so they are going to take their concern very seriously.

Mr. Dennett stated he isn't asking for access to this lot (36) and maybe he could sell it to Dennis or the City. He doesn't want to make it a part of the lot 9.

Mr. Woolsey asked if they could make it a flag lot.

Mr. Ellerman stated the only concern would be that the access has to meet a certain width. It looks as if the city is doing a taking because of restrictions. This may not be Mr. Dennett's in the future and if someone comes in and buys this parcel and then we will deal with it again. He stated he would recommend it to be a part of lot 9.

Commissioner Schofield asked if a lot line adjustment with the Iverson's is a possibility.

Mr. Ellerman stated yes.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend item to be tabled to June 18, 2014.

Commissioner Williams seconded the motion.

Motion passed unanimously.

5. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-14-05 to change from R-1-12 Single Family minimum 12,000 sq foot lots to C-1 Community Commercial located at approximately corner of 2000 South Washington Fields Road. Applicant: Greg Whitehead

Background

The applicant is requesting approval to change the zoning of approximately 3.07 acres, located approximately at the Southwest corner of 2000 South and Washington Fields Road. The requested change is from the current zoning of Single-Family Residential - 12,000 square foot min. (R-1-12) to a proposed Community Commercial (C-1) zoning designation.

The General Plan Land Use Designation for this location is Neighborhood Commercial (NCOM), with Low Density Residential (LD) to the north, east and west, and Neighborhood Commercial (NCOM) to the south. The surrounding zoning to this parcel is R-1-12 to the west, Agricultural and R-1-12 to north, R-1-10 to the east, and with Agricultural and Administrative Professional (AP) to the south.

Staff has reviewed the requested zone change and finds it to conform to the General Plan and the Zoning Ordinance.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-14-05, for the zone change request from Single-Family Residential - 12,000 square feet min. (R-1-12) to Community Commercial (C-1), to the City Council, based on the following findings.

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. The utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Schofield asked for clarification of the exhibit.

Mr. Ellerman stated there is a shopping plaza along the back portion. There will be a requirement for right in and right out.

Commissioner Papa asked about the access right in right out.

Mr. Ellerman stated it is 650 feet from the intersection.

Commissioner Schofield asked about the blind curve and access further south on Washington Fields Road.

Mr. Dalton stated the traffic study will take care of that but he feels it will be okay. The width and road requirements will be addressed at preliminary plat stage. The old Washington Fields Road may have to be abandoned.

Commissioner Shepherd asked if there are any limitations they can put on C-1 for hours of operation.

Mr. Ellerman stated lighting is projected inward but no limits on hours of operation. They will still have to come in for a CUP; there can be conditions in place at that time within reason.

Commissioner Schofield asked about the corner use, he stated he thought they decided when doing the General Plan Amendment they wouldn't want the gas pumps in this location. He asked if they could deny it for that reason.

Mr. Ellerman stated he would rather they do it now than at the CUP level.

Commissioner Papa asked why they are against it.

Commissioner Schofield stated it was the area and ingress egress in and out and the traffic it would cause. The safety of gasoline in the area around homes.

Greg Whitehead stated they want to have a shopping commercial in this area.

Commissioner Schofield asked what the acreage for the buildable area.

Mr. Whitehead stated 20,000 sq feet. He stated it would be done in phases.

Commissioner Schofield asked how many pumps.

Mr. Whitehead replied 2 stations, a total of 4 pumps.

Commissioner Papa asked about hours for filling the gas pumps.

Mr. Whitehead stated the pumps would probably be open 24 7 so he is unsure about delivery times.

Commissioner Schofield asked if there would be a drive through of some type.

Mr. Whitehead stated they want the ability to have a drive through. They would consider that with the CUP. He stated they would be sensitive to traffic and the flow of traffic.

Commissioner Williams asked about the back road.

Mr. Whitehead stated that is just on the drawing and for the building itself.

Commissioner Shepherd stated with a zone change and what they want to do she feels this isn't the best use with stores and lights even though she approved the funeral home. She stated she would feel better if it was smaller like a farmers market.

Mr. Whitehead stated it is designated as commercial on the General Plan. He stated he feels this is the opening of the fields and appreciates keeping the feel of residential in the Fields area.

Commissioner Shepherd stated the large square building is offensive to her.

Mr. Whitehead stated they put it on the exhibit but they are not sure that is what they want. They could do smaller buildings instead of the one large block building. They wanted to put an idea of what they want to do but would consider the concerns expressed. He stated the area by the Texas Road House has a nice plaza that they could look at.

Commissioner Schofield opened the public hearing.

Henry Blair stated he lives in Desert Fields and is concerned with the dust that comes off this property now. He doesn't have a problem with what is being proposed.

Lester Dalton stated the area that is the problem is agriculture and that is an exception to what they can require. He stated they have spoken with Mr. Staheli about the dust.

Mr. Blair asked about a stoplight at the intersection

Mr. Dalton stated a signal would go in next year that the study needs to be done first.

Sherri Reeder stated this is the lower property from where the funeral home was proposed. She stated she lives in the neighborhood and feels this should stay a residential type feel in the Fields area. She doesn't have a problem with what is going in but would not like to have a large commercial building. There needs to be a standard for the Fields area. The old Washington Fields Road is used. Going out of the subdivision is extremely busy and she has to wait a long time to get out. She said this meeting was poor timing due to graduation and the neighbors have said they don't think they have a voice after the funeral home was approved.

Commissioner Schofield asked Mr. Ellerman to review the General Plan. He read a letter from Mr. and Mrs. James in opposition of the proposal.

Mr. Ellerman read the definition from the General Plan regarding Neighborhood Commercial. He stated AP and C-1 are the softest of the commercial. The harshest would be something like a small bank.

Commissioner Schofield asked what could they do to address the Washington Fields area and what type of businesses could come in.

Mr. Ellerman stated there has to be a committee and it does take time to make changes.

Commissioner Schofield asked if a business like McDonalds could go there.

Mr. Ellerman stated in C-1 it would be a permitted use.

Commissioner Shepherd stated neighborhood Commercial sounds cozy but C-1 doesn't seem to match the definition. There seems to be a disconnect.

Commissioner Schofield stated one problem is the way things are done and it ties their hands. He stated he doesn't have a issue with this particular developer but if they approve this and can't say what something looks like because it is a permitted use, then another developer comes in it may not be what was shown tonight. He stated traffic is still an issue and that causes him to be concerned.

Mr. Ellerman stated there are a lot of factors in going through the process for a committee to do a design plan for the Fields. Ordinances take time and there isn't a perfect ordinance. Most times they go through changes.

Commissioner Schofield stated most of what comes to them is approved but there are some requests that don't make sense. He has concerns with moving forward.

Mr. Ellerman explained that you never know what comes in, an example is a silo. A lot of people say they want a small store in the area.

Commissioner Williams said in Idaho where he grew up there was a little country store and it was a very good thing. He stated he likes the idea if it was done correctly. He stated a 4 pump isn't that bad. A small store isn't that bad and the neighbors already are aware this is intended to be commercial and C-1 is a good zone for the area. He stated a McDonalds wouldn't go there because that isn't their format. The road needs to be widened. He stated there are already stinky cows to the side of the subdivision. He stated it is a good fit for the location and hopes the developer will take what was said tonight and implement it into their design.

Commissioner Schofield stated they need to look at what uses go in there.

Katherine Staheli stated after the letter was read she wanted to clarify that the old Washington Fields Road went through this property. She stated she knew people wanted to do the same thing for small commercial and that Sherri wants the same idea just on smaller scale.

Mr. Whitehead stated he has talked to the neighbors and they said they are okay if done nicely. There isn't a design guideline for C-1. The market decides what will drive what goes in. They intend to keep it nice for what is already there.

Commissioner Schofield said when he did development they took everything to Planning. He is concerned with traffic and the stoplight will help.

Mr. Dalton stated the more we grow the busier the traffic. Any area now affects traffic and Public Works wants to lessen the issue as smart as they can. As far as the signal it will call for this to have a right in right out and it doesn't fix the problem and there will be wait time.

Commissioner Williams said there would be some delineation with the bridge in and when the Mall Drive is opened to complete to this road.

Mr. Dalton said a lot of people need gas and with this it will eliminate other congested areas. He stated that traffic is like drainage there is no perfect science.

Commissioner Williams motioned to recommend approval to City Council with the findings of staff.

Commissioner Papa seconded the motion.

Commissioner Williams Aye.

Commissioner Shepherd Nay.

Commissioner Martinsen Aye.

Commissioner Papa Aye.

Commissioner Schofield Nay.

Motion passed 3-2 vote.

6. DISCUSSION ITEMS

A. Discussion of Project Status and continue Planning Commission Training.
No discussion.

Commissioner Shepherd motioned to adjourn the Planning Commissioner meeting.

Commissioner Papa seconded the motion.

Motion passed unanimously.


Meeting adjourned: 8:18 PM

Washington City

Signed by:


Rick Schofield, Chairman

Attested to:


Kathy Spring, Zoning Technician